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Attorney for Defendant  
Jose Bautista Andrade

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
The Honorable Stanley A. Bastian

United States of America,

Plaintiff,

v.

Jose Bautista Andrade,

Defendant.

No. 1:24-CR-2064-SAB-1

**Defendant's Objections to  
Presentence Investigation Report  
and Sentencing Memorandum**

**I. Base Offense Level and Enhancements.**

Mr. Andrade objects to the guideline calculations in the Presentence Investigation Report [ECF No. 30] as follows:

**1. Page 7, Para 32:** Mr. Andrade objects to the base offense level of 38. Mr. Andrade believes he should receive a downward adjustment for minor role under USSG 3B1.2(2). From the offense conduct, it appears Mr. Andrade role was that of a

Defendant's Objections to  
the Presentence Investigation  
Report and Sentencing  
Memorandum: 1

courier. Should the Court agree with this objection, then the base offense level would be 34 under USSG 2D1.1(a)(5)(A)(B)(iii).

**2. Page 7, Para. 35:** Mr. Andrade objects to receiving no adjustment for his role in the offense. Mr. Andrade believes he should receive a 2-level downward adjustment for minor role under USSG 3B1.2(b). As indicated above, Mr. Andrade's role appears to be that of a courier.

**3. Page 8, Para. 41:** Should the Court agree with the above objections, the Total Offense Level would be 31 and the Guideline Range would be 108-135 months, but because the mandatory minimum is 10 years, the Guideline Range would be 120-135 months imprisonment.

## II. Departures.

Mr. Andrade is not seeking a downward departure.

### III. Sentencing Under 18 U.S.C. § 3553(a)

In determining an appropriate sentence, a sentencing court is directed to “impose a sentence sufficient, but not greater than necessary to accomplish the goals of sentencing.” *Kimbrough v. United States*, 552 U.S. 85, 101 (2007). A sentencing court should recall, “fashioning a sentence cannot be reduced to a mere arithmetical exercise. Reliance solely on numbers, offense levels, criminal history categories and matrices produces an illusory precision that obscures the fact that sentencing in the

1 end, must involve the exercise of judgment.” *United States v. Biheiri*, 356 F.Supp.2d  
2 589, 594 (E.D.Va. 2005). A sentencing court should exercise its judgment beyond  
3 relying solely on the Guidelines to achieve an appropriate sentence. “Punishment  
4 shouldn’t be more severe than necessary to satisfy the goals of sentencing.” *United*  
5 *States v. Carvajal*, 2005 WL 476125 (S.D.N.Y. Feb. 22, 2005) (unpub.). For Mr.  
6 Andrade, a sentence of 10 years imprisonment and five (5) years of supervised release  
7 satisfies the goals of sentencing.  
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#### 10 **1. Nature and Circumstances of the Offense.**

11 The nature and circumstances of the offense are serious. Mr. Andrade  
12 possessed and distributed a significant amount of controlled substances. The offense  
13 conduct, however, does not indicate Mr. Andrade threatened anyone or used violence.  
14 Considering the nature and circumstances of the offense, a sentence of 10 years  
15 imprisonment and five (5) years of supervision meets the goals of sentencing.  
16

#### 17 **2. History and Characteristics of Jose Bautista Andrade.**

18 The Court must also consider Mr. Andrade’s history and characteristics when  
19 determining an appropriate sentence. Mr. Andrade was born in Mexico and is the  
20 only child born of his mother and father. Neither parent played an active role in Mr.  
21 Andrade’s life either as boy, teenager, or adult. Mr. Andrade was raised primarily by  
22 his grandmother and had a close relationship with her. Because his parents were not  
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24

1 part of his life, Mr. Andrade felt alone. He did not have parents to love him, to teach  
2 him values, and provide a stable environment.

3 Not surprisingly, Mr. Andrade started drinking alcohol at an early age and used  
4 both alcohol and drugs throughout his life to deal with his loneliness. The death of  
5 his grandmother, who was the only person who supported him, also affected him  
6 significantly resulting in Mr. Andrade making a terrible decision. Fortunately, Mr.  
7 Andrade turned his life around and managed to lead a sober lifestyle for some years.  
8

9 However, Mr. Andrade's history does shows someone who's struggled with  
10 substance abuse issues. While he's had some periods of sobriety in the past, before  
11 his arrest Mr. Andrade was consuming methamphetamine, cocaine, marijuana  
12 regularly and drinking heavily. His heavy use of alcohol and control substances  
13 certainly didn't help Mr. Andrade make good decisions.  
14

15 Although Mr. Andrade has struggled with substance abuse, he did not always  
16 engage in criminal activity. He does not have significant criminal history and has  
17 spent no significant time incarcerated. Mr. Andrade spent two (2) days in jail for a  
18 DUI conviction in 2024. Thus, for most of his life, it appears Mr. Andrade was a law-  
19 abiding citizen and a productive member of his community. He worked as a cook  
20 and in a warehouse in Washington and in Mexico Mr. Andrade was a factory worker,  
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1 a taxi driver and chauffer. Mr. Andrade also managed to complete the 11<sup>th</sup> grade of  
2 school in California.

3 Mr. Andrade also has a daughter that he helped support both financially and  
4 emotionally. *See Declaration of Counsel in Support of Defendant's Sentencing Memorandum*  
5 *("Dec"): Exhibits A (Letters of Support) and Exhibit C (Family Photos)*. Mr. Andrade is  
6 close with his daughter and is an important part of his daughter's life. Unfortunately,  
7 Mr. Andrade will miss several of his daughter's life milestones because of his decision  
8 to distribute drugs. Family describe Mr. Andrade as a good person who helps others  
9 and enjoys playing with his relatives and cooking for family. They describe him as a  
10 good father and is missed by his daughter and other family members. *See Dec.:*  
11 *Exhibits A (Letters of Support) and Exhibit C (Family Photos)*.

12 There is no question Mr. Andrade committed a serious offense, and he must  
13 now serve a significant sentence. However, considering Mr. Andrade's history and  
14 characteristics, a sentence of 10 years for Mr. Andrade is sufficient but not greater  
15 than necessary to meet the goals of sentencing. He's led a law-abiding life, he's been a  
16 productive member of his community, and he's important to his family. As described  
17 by his family, Mr. Andrade is someone who helps others and shares his talents to  
18 bring happiness and comfort to those he spends time with. He will be missed during  
19 these 10 years, which is significant for someone who's never been to prison or been  
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1 incarcerated for a long period of time. Mr. Andrade is already trying to make good  
2 use of his time by taking courses offered at the Yakima County Jail to learn about  
3 various topics that could help him. *See Dec.: Exhibit B (Certificates).*  
4

5 **Conclusion.**

6 Mr. Andrade respectfully requests the Court impose a sentence of 10 years  
7 imprisonment and five (5) years of supervision. A sentence of 10 years is sufficient  
8 but not greater than necessary to meet the goals of sentencing under 18 U.S.C. §  
9 3553(a).  
10

11 Dated: June 12, 2025.

12 Respectfully Submitted,

13 s/Alex B. Hernandez, III  
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CERTIFICATE OF SERVICE

I certify that on June 12, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to: Benjamin D. Seal, Assistant United States Attorney, and Shane Moore, United States Probation Officer.

s/Alex B. Hernandez, III  
Alex B. Hernandez III, 21807  
Attorney for Jose Bautista Andrade